

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division

DAVID MAZZA,

Plaintiff

vs.

**AETNA CASUALTY AND LIFE
INSURANCE COMPANY, et. al.**
Defendants.

CIVIL ACTION NO.
04-30020-MAP

DEFENDANT, AETNA CASUALTY AND LIFE INSURANCE COMPANY'S¹
MOTION TO STRIKE JURY DEMAND

The defendant in this action, incorrectly named as Aetna Casualty and Life Insurance Company but which in actual fact should be Aetna Life Insurance Company ("Aetna")², hereby moves the Court for an order striking the jury demand contained in the plaintiff's complaint in this action. As grounds therefore, Aetna relies upon the accompanying Memorandum in Support of its Motion to Strike, which is also being filed this day, and which contains a statement of reasons, including citation of supporting authorities, why this motion should be granted.

¹As discussed in the memorandum in support of this defendant's motion, which has been filed contemporaneously with this motion, Aetna Casualty and Life Insurance Company, the named defendant in this action, actually does not exist, and the plaintiff's identification of the defendant is a misnomer. The actual entity to which this complaint is apparently targeted is Aetna Life Insurance Company, which, at one time, had provided certain claims administration services to the plaintiff's employer and that employer's benefit plans.

²See fn. 1 *supra*.

REQUEST FOR ORAL ARGUMENT

Aetna requests that this Court hear oral argument on this motion.

WHEREFORE, Aetna moves this Court for an order striking the plaintiff's jury demand.

Respectfully submitted,

Aetna Life Insurance Company

By its attorneys,

Dated:

April 13, 2004



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CERTIFICATE OF SERVICE

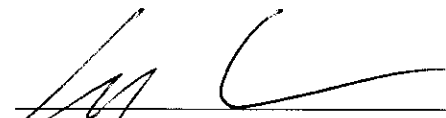
I hereby certify that a copy of the foregoing pleading has been served upon all counsel of record by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed to:

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DATED this 10th day of April, 2004.



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